EXHIBIT 7

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1   A.   It has to do with the political geography of the

2   interaction of what you might call traditional

3   geographic features with the distribution of usually

4   partisanship in a state or country.

5   Q.   And now, on the topic of the distribution of

6   partisanship, in Michigan, are democratic voters more

7   concentrated geographically than republican voters?

8   A.   Probably.

9   Q.   And why do you say probably?

10   A.   If you had asked me this in 2012 or probably even

11   2016, I would have said definitely. But as the suburbs,

12   particularly Oakland County, have swung against

13   republicans, and as some of the more rural areas outside

14   of Detroit and the city areas have swung towards

15   republicans, I'm just not sure it's true anymore that

16   democrats are appreciably more compact than republicans.

17   I'm not saying it's wrong; I'm just saying I don't know.

18   I'm not confident in that like I once would have been.

19   Q.   Okay. Then let's focus on the area of Detroit in

20   Michigan. In Detroit, are democratic voters more

21   geographically concentrated than republican voters?

22   A.   In Detroit, I think it's pretty much all

23   democratic voters. I'm not sure you can draw a

24   republican district in the City of Detroit.

25   Q.   In the surrounding counties of the Detroit

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1   region, would you agree that democratic voters are

2   concentrated -- pardon me -- are more concentrated than

3   republican voters?

4   A.   I think ten years ago I would have agreed with

5   that.   But I'm just not sure anymore, given how Oakland

6   County has changed over the course of a decade.   You're

7   talking about a county that generally voted at or a

8   little bit to the right of the state for the first part,

9   that now we're in a situation where Joe Biden carried it

10   by, I think, 14 points, even though the state was

11   incredibly close.   It's just become a lot more

12   democratic, and that helps democrats quite a bit in the

13   Detroit area.

14   Q.   And in Michigan, do you understand there to be a

15   high number of democratic voters in rural areas?

16   A.   No.   But at a certain point that becomes a

17   problem for republicans, because they start to see the

18   same types of concentrations that democrats see in the

19   cities.

20   So for an example, if you were to run the

21   simulations on the state of Texas, which has seen

22   similar shifts in its suburban areas at the beginning of

23   the decade, using the Obama Romney partisanship, the

24   mean efficiency gap is well to the right of neutral, but

25   if you run it using the Biden Trump numbers, the average

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1   efficiency gap in the simulations is almost zero.

2   Republicans have lost their geographic advantage there.

3   I don't know whether in Michigan the changes have

4   been that extreme, but I can't rule it out. I read Dr.

5   Rodden's books, and I enjoyed them, but I think to some

6   degree they've been supplanted by events.

7   Q.   And by events, you mean more recent elections?

8   A.   Yes, the transition of upper middle class white

9   suburbanites out of the republican party and into the

10   democratic party.

11   Q.   Let's look at Page 26 to 27 of your report,

12   Exhibit 1. You note here at the turn of the page from

13   26 to 27 that there is no realistic question here about

14   the general election, as every district that has a BVAP

15   of at least 35 percent is overwhelmingly democratic.

16   Since black voters express a consistently strong

17   preference for democrats in the aggregates, the black

18   candidate of choice will almost certainly win the

19   general election; do you see that?

20   A.   Yes.

21   Q.   Have you changed your position on these points

22   since writing this report?

23   A.   No.

24   Q.   Let's turn to Page 12 of your report. I had a

25   question for you, a simple question for you about which

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1   precincts, which data you were using. On Page 12 it

2   indicates Michigan precincts in 2020 by BVAP. Are you

3   using 2020 census data here?

4   A.   Yes. I think the way to read that -- and I see

5   the -- I see the potential source of confusion there.

6   It's Michigan precincts from 2020 by BVAP, not Michigan

7   precincts by 2020 ACS BVAP.

8   Q.   And now looking at this map that says Michigan

9   precincts by BVAP, did you prepare a map like this of

10   Michigan precincts by partisan vote?

11   A.   No.

12   Q.   Okay. Now, looking at this map on Page 12, would

13   you agree that as for the Detroit area, black voters are

14   concentrated -- and let me -- pardon me. Strike that.

15   Looking at this map, would you agree that black voters

16   are concentrated in Michigan in the metro-Detroit area?

17   A.   For the most part, yes. There's a couple other

18   concentrations around Flint and Saginaw, but yes. For

19   the most part, metro-Detroit.

20   Q.   Let's bring forward Exhibit 6.

21

22   (Defendant's Exhibit 6 marked for identification.)

23

24   Q.   Mr. Trende, do you recognize Exhibit 6?

25   A.   Yes.

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1   Q. Okay. And I understood from your earlier

2 testimony that you reviewed this report; is that right?

3   A. At a high level, but yes.

4   Q. And what is your reaction to this report?

5   A. I like Dr. Rodden. I think he's a good, clean

6 writer. I don't think it does much to detract from my

7 report. I think on a lot of things we're vigorously

8 agreeing with each other, or -- I can't remember what

9 the term of art is when you're yelling at each other in

10 an argument where you agree, but I think we agree on a

11 lot of things, just not the interpretations, or the law.

12   Q. Dr. Rodden makes the point from Page 2 to 3 that

13 he viewed your report as implying that racially and

14 politically heterogeneous districts should be viewed as

15 a fingerprint of racial gerrymandering; do you see that?

16   A. Mm-hm.

17   Q. Do you agree with him?

18   A. No.

19   Q. Why not?

20   A. Because there can be racially heterogeneous

21 districts that do just occur naturally. You might draw

22 a perfect square that, you know, has some black

23 population and has some white population. What you're

24 unlikely to do is consistently draw little finger strips

25 or bacon strips that run through some of the poorest

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1   areas of Detroit to some of the wealthiest areas of

2   Wayne County. Basically he ignores the context and

3   analysis of my report.

4   Q. Dr. Rodden refers to your reference of divvying

5   up Detroit area voters by race; do you see that?

6   A. Yes.

7   Q. He suggests that your maps show the opposite; do

8   you see that?

9   A. Where would that be?

10   Q. The bottom of Page 2, last paragraph. The

11   Commission's plans, quote, divvy up Detroit area voters

12   by race. In fact, his maps show the opposite; do you

13   see that?

14   A. Yes.

15   Q. And then he notes that whereas the previous

16   redistricting plans often place boundaries precisely

17   along the lines of residential racial segregation, the

18   Commission's plans do not; do you see that?

19   A. Yes.

20   Q. Okay. Do you disagree with him that the previous

21   redistricting plans often place boundaries precisely

22   along the lines of residential and racial segregation?

23   A. Well, I think what he refers to as the lines of

24   residential racial segregation I would refer to as

25   township and county boundaries and city boundaries,

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1   which are required to be respected under the Michigan

2   Constitution.

3   But yeah, I agree that when you respect city and

4   township and county boundaries as required by the

5   Michigan Constitution, you sometimes will draw lines

6   that fall upon old lines of residential racial

7   segregation. The Eight Mile and the Grosse Pointes tend

8   to have -- the Eight Mile tends to, in many places,

9   delineate differences in race, and the Grosse Pointes

10 are not terribly racially integrated.

11   Q.   In your work, have you developed an understanding

12 of how hewing closely to county/township boundaries

13 affects the partisan balance of a plan?

14   A.   I think at the beginning of the 2010s when Wayne

15 County was overwhelmingly democratic and Oakland and

16 Macomb Counties were swing to republican depending on

17 the context, that would have a pretty significant impact

18 on the partisanship of the plan.

19   That's not the case anymore. So, I mean, things

20 have changed a lot politically in the last ten years, as

21 I don't think any reasonable analyst of elections would

22 disagree.

23   Q.   Where do you show in your report an opinion that

24 the partisan balance has shifted enough over the past

25 ten years that complying with county boundaries no

Page 72

1   longer has a partisan affect?

2   A.   That would be the simulations that I ran that

3   comply with county boundaries that result in a partisan

4   distribution that's almost identical to what the

5   Commission came up with.

6   Q.   How does that address the shift over -- what

7   you're describing as a shift over the past ten years and

8   how hewing to county boundaries no longer has a partisan

9   impact?

10   A.   Oh. Well, that issue wasn't raised until Dr.

11   Rodden's report that, again, to my understanding, I

12   wasn't given an opportunity to respond to. But since

13   I've talked -- discussed quite a bit about the shifts in

14   Wayne County and Macomb County and been cross examined

15   on it, I don't know what the state of that would be now.

16   Q.   What would you do to respond to Dr. Rodden's

17   point here?

18   A.   I would show the political -- the election

19   results for Macomb and Wayne and Oakland Counties over

20   the past decade for statewide races, and you would see

21   that in 2012 and 2014 those counties actually vote quite

22   similar to one another, and vote right about at the

23   center of the state, voting a little bit to the right.

24   However, beginning in 2016, and accelerating in

25   2018 and 2020, that changes, and you end up with

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1   scenarios where Wayne County is now voting 15 points to

2   the left of the state and the country as a whole.

3   Macomb County has mostly stayed to the center, even a

4   little bit to the right of the state or country as a

5   whole. So that's how I would demonstrate it.

6   I'd also -- that's how you would demonstrate the

7   shift. To the extent that it matters, I would look at

8   the simulations with respect to Trump's 2020 vote. I'd

9   also -- I mean, with the way you framed the question, I

10   would look at the 2022 results, which of course weren't

11   before the Commission, in fairness.

12   But since you asked how it would demonstrate a

13   shift, I would look at 2022, where Wayne was way to the

14   left of where Macomb was and the state as a whole. Not

15   Wayne -- Oakland. If I refer to a suburban area

16   shifting in Wayne in my previous testimony, I almost

17   certainly meant Oakland.

18   Q. And just so I understand, my question relates not

19   only to what you believe is a shift as having occurred,

20   but a shift sufficient to dissolve the partisan impact

21   of complying with county and township boundaries; do you

22   understand?

23   A. I do. And when you're talking about a county

24   like Wayne going from a swing area, or even a little bit

25   reddish, where you're going to end up with slightly more

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1   because sometimes there's a little bit of a jitter. The

2   computer will move things a little bit to the side. It

3   looks like the lopsided margin has a district just

4   barely to the right of the enacted plan, but I can't say

5   with confidence.

6   Q.   Okay. So it's meaningful to you that the red

7   dotted line, the enacted Hickory plan, overlaps with

8   some output of the ensemble plans; is that right?

9   A.   Yes, because the question is whether the

10   Commission could have drawn a map -- Dr. Rodden's

11   contention is that it was necessary for the Commission

12   to draw these baconmander districts to achieve their

13   partisan fairness goals subordinating race to

14   partisanship, I guess.

15   But it's -- even using his definition of

16   partisanship, that's not the case. You could have drawn

17   a map with the -- the ensembles draw maps with identical

18   mean and median differences without doing county splits,

19   and identical efficiency gaps.

20   Whether some of the differences, you know, on the

21   rest of the distributions are meaningful, like between

22   an efficiency gap of .07 in the enacted map's efficiency

23   gap of, I guess, .04, whether that's politically

24   meaningful, I can't say. Or whether it's -- I can't

25   imagine it's necessary to create the massive

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1   discrepancies in racial composition that we see.

2   Q.   And while we're in Dr. Rodden's report, can you

3   identify where it shows he's using old data from the

4   past decade?

5   A.   Not as I sit here, but if I find it, I'll

6   highlight it as we go through things. I think he's

7   using all the elections from 2012 to 2020.

8   Q.   So I want to make sure I understand. The fact

9   that he's using elections from 2012 to 2020 means he's

10   using old data?

11   A.   Yes.

12   Q.   Okay. And so what data do you think he needs to

13   use in order for his conclusions about, for example,

14   county lines, to be reliable?

15   A.   I think the presidential election from 2020 is

16   the most indicative election, and that's what political

17   scientists typically use. When Dr. Rodden did his paper

18   with Dr. Chen they were using presidential elections, so

19   he's typically relied on that.

20   I think if you wanted to incorporate the 2018

21   data and even 2016, that would be fine. We're just --

22   Donald Trump broke everything, literally everything, and

23   we are just in a very different political environment

24   and alignment than we were at the beginning of the

25   decade. I don't really even think that's controversial.

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1   Q. I don't want to talk past you, Mr. Trende, I just

2   want to make sure I understand. My read of Dr. Rodden's

3   report is that he does look at the 2020 presidential

4   election. Did you read his report to not include that

5   data?

6   A. No. I'm saying that is all you would include,

7   because once you start including -- for the same

8   reason -- I mean, to use an extreme case, you wouldn't

9   want to include data from 1960 in your partisan

10 analysis, because it's a different world, and it's a

11 different world than 2012.

12   So as you start to incorporate that data from

13 2012 and 2014 into your analysis, you are increasingly

14 testing against a Wayne County -- an Oakland County that

15 no longer exists, politically. He's diluting good data

16 with noise, and in a consequential way.

17   Q. Have you studied the amount of that consequence?

18   A. No.

19   Q. Would you agree with me that partisan fairness

20 measures are used to evaluate -- partisan fairness

21 measures used to evaluate a redistricting plan are

22 computed on a plan-wide basis, as opposed to on a

23 regional or district level?

24   A. Yes. Well, I shouldn't say that. I think some

25 people have tried to use them. Like, there's a Kentucky